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FILED IN THE DISTRICT AND COUNTY COURTS OF EL PASO COUNTY, COLORADO

DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street Colorado Springs, Colorado 80903	NOV 30 2015 DR. LYNETTE CORNELIUS CLERK OF COURT • COURT USE ONLY •
PEOPLE OF THE STATE OF COLORADO, Plaintiff v. ROBERT LEWIS DEAR, Defendant	
DOUGLAS K. WILSON, Colorado State Public Defender Rosalie A. Roy (No. 26861) Deputy State Public Defender 19 North Tejon, Suite 105 Colorado Springs, Colorado 80903 Phone: (719) 475-1235 Fax: (719) 475-1476 Email: springs.pubdef@coloradodefenders.us	Case No. 15CR5795 Division 10
MOTION TO LIMIT PRETRIAL PUBLICITY [D-001]	

JLV

Robert Lewis Dear, by and through counsel, moves this Court to enter an Order limiting the dissemination of information by the attorneys, their agents, employees and all law enforcement investigators, personnel and employees, and all court personnel concerning this case. In support of this motion, he states the following:

1. Mr. Dear respectfully requests that this Court enter the attached order limiting the dissemination of information by attorneys, their agents, employees and all law enforcement agencies and investigators, employees and court personnel concerning this case, based upon the following authorities:


- a. The American Bar Association Standards for Criminal Justice, Fair Trial and Fair Press, Third Edition, sections 8-1.1, 8-2.1, 8-2.2 and 8-2.3.
- b. The Colorado Rules of Professional Conduct, sections 3.6 and 3.8.3.
- c. Mr. Dear's constitutional rights, including but not limited to the rights to a fair trial, to a fair and impartial jury, and to due process as guaranteed him under the United States Constitution and the Colorado Constitution. U.S. Const. amends. V, VI, VIII, XIV; Colo. Const. art. II, secs. 16, 18, 20, 23, 25; *see also People v. Botham*, 629 P.2d 589 (Colo. 1981); *Sheppard v. Maxwell*, 384 U.S. 333 (1966).

2. Mr. Dear is guaranteed the right to a trial by jurors who are fair and impartial. *Ross v. Oklahoma*, 487 U.S. 81 (1988); *Witherspoon v. Illinois*, 391 U.S. 510, 518 (1968); *Irvin v. Dowd*, 366 U.S. 717, 722 (1961); *People v. Sandoval*, 733 P.2d 319, 320 (Colo. 1987); *Oaks v. People*, 150 Colo. 64, 371 P.2d 433, 477 (1962); *Smith v. People*, 8 Colo. 457, 8 P.1045 (1885).

Thus, while Mr. Dear is not entitled to jurors who will be sympathetic to him, he is guaranteed the right to a trial by jurors who "will hear the matter fairly and impartially." *Edwards v. People*, 160 Colo. 395, 418 P.2d 174, 177-178 (1966). Because of the nature and scale of this case, as well as the negative publicity that has already been generated at this early date, this Order is necessary to help preserve and protect, to any extent that it might be possible at this stage of the proceedings, Mr. Dear's right to a trial by jury and right to a trial by a fair and impartial jury.

5. Mr. Dear moves for a hearing on this motion.

Mr. Dear files this motion, and makes all other motions and objections in this case, whether or not specifically noted at the time of making the motion or objection, on the following grounds and authorities: the Due Process Clause, the Right to a Fair Trial by an Impartial Jury, the Rights to Counsel, Equal Protection, Confrontation, and Compulsory Process, the Rights to Remain Silent and to Appeal, and the Right to be Free from Cruel and Unusual Punishment, pursuant to the Federal and Colorado Constitutions generally, and specifically, the First, Fourth, Fifth, Sixth, Eighth, Ninth, Tenth, and Fourteenth Amendments to the United States Constitutions, and Article II, sections 3, 6, 7, 10, 11, 16, 18, 20, 23, 25 and 28 of the Colorado Constitution.



Rosalie A. Roy (No. 26861)
Deputy State Public Defender
Dated: November 30, 2015

Certificate of Service
I certify that on 11/30/15,
I served the foregoing document by
delivering mailing same to
all opposing counsel. 